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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,291	12/23/1998	MARTIN H. GRAHAM	003921.P005	4813

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EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 04/01/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/221,291

Applicant(s)
GRAHAM

Examiner
Kevin Burd

Art Unit
2631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 17, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 14-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. This office action, in response to the request for reconsideration filed 3/17/2003, is a non-final office action.

Response to Arguments

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Applicant's arguments with respect to claims 1-8 and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under treaty defined in section 351 (a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (US 6,031,472).

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Regarding claims 1, 8 and 18, Johnson discloses biphasic data for transmit as shown in figure 7 on line 720. The biphasic data comprises a positive pulse and a negative pulse. The biphasic pulses are encoded symbols representing the binary bits of 11, 10, 00 as stated in column 8, lines 5-19. A biphasic pulse is shown (lines 721 and 722) which begins at a first time instance in figure 7. This biphasic pulse represents two binary bits (11) (column 8, lines 5-10). A second consecutive biphasic pulse is shown (lines 723 and 724) and begins at a second time instance (the transition of 722 to 723). This biphasic pulse represents binary bits (10) which is a different type of binary bits than the previous symbol (column 8, lines 10-14). A time interval is shown between the rising edge of 721 and the rising edge of 723 and represents the biphasic pulse shown in figure 7, lines 721 and 722 and this biphasic pulse represents more than one bit (11).

Regarding claim 2, shows different types of biphasic pulses in that the pulses represent different binary bits (column 8, lines 5-19). These pulses have different amplitudes and the biphasic pulses have different orders of pulses. The pulse 721, 722 is a positive-negative biphasic pulse and pulse 725, 726 is a negative-positive biphasic pulse (figure 7).

Regarding claim 3, Johnson discloses each biphasic pulse has a net energy of zero (figure 7 and abstract).

Regarding claims 4 and 14, figure 7 discloses the waveform on line 720 is a square wave and has a voltage and pulse width.

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Regarding claims 5 and 15, the amplitude of the pulse and the order of the positive and negative pulses over a time instance represent two binary bits as shown in figure 7.

Regarding claims 6 and 16, the amplitude of the pulse and the order of the positive and negative pulses over a time instance represent two binary bits as shown in figure 7.

Regarding claims 7 and 17, figure 8 discloses the baud rate of the transmission. The baud rate is the symbol rate transmitted via a modem.

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

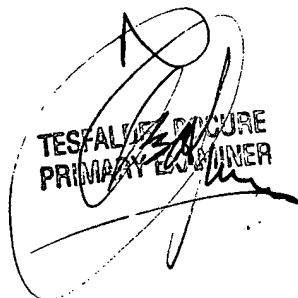
(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



TESTALIA PICTURE
PRIMARY EXAMINER



Kevin M. Burd
PATENT EXAMINER
March 26, 2003